

Notice of Allowability

Application No.

10/801,607

Applicant(s)

CALLAWAY, JAMES J.

Examiner

Lam P. Pham

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/14/05.
2. ☒ The allowed claim(s) is/are 1-5, 8-14 (renumbered as 1-12).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/13/05</u> |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12/13/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Allowable Subject Matter

1. Claims 1-5, 8-14 allowed, renumbered as 1-12.
2. The following is an examiner's statement of reasons for allowance:

There is reference in prior art teaching of a rollover detection system for detecting when a baby body is upside down which is 180 degree turn and generating an identification alarm signal identifying the source of alarm signal as found in Halleck et al. (US 6356203). However, there are no prior art fairly teach or suggest a multi-functional patient detection system (**claim 1**) comprising:

a housing including a motion sensor for automatically sensing movement of a patient's body to an angle of 85-90 degree from the horizontal and for generating a signal indicative of sensed movement of the patient's body to the angle of 85-90 degree from the horizontal, a wireless transmitter transmitting a coded identifying signal indicating sensed movement of the patient's body is to the angle of 85-90 degree from the horizontal generated by the motion sensor, and
a power supply powering the motion sensor and the wireless transmitter, and
a receiving station receiving the coded identifying signal from the wireless transmitter.

No prior art fairly teach or suggest a patient alert system (**claim 11**) comprising:

a housing including a motion sensor automatically sensing when a patient's body is at an angle of 85-90 degree from the horizontal and for generating a signal indicative of sensed movement of the patient's body to the angle of 85-90 degree from the horizontal, a call button for manual operation by a patient when comfort care is desired

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and for generating a signal when the call button is actuated, a wireless transmitter transmitting a coded identifying signal indicating sensed movement of the patient's body is to the angle of 85-90 degree from the horizontal generated by the motion sensor and indicating actuation of the call button, and a power supply powering the motion sensor, the call button and the wireless transmitter, and

a receiving station receiving the coded identifying signal from the wireless transmitter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

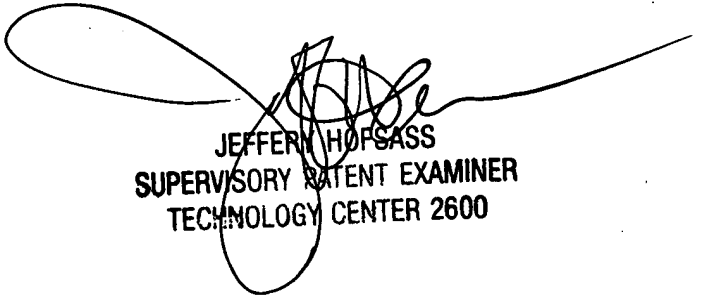
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P. Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham
Jan 3, 2006.



JEFFERY HOPSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600